

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

AURELIO MARTIN SEPULVEDA,	)	CASE NO. ED CV 15-0255-CAS (PJW)
	)	
Petitioner,	)	ORDER TO SHOW CAUSE WHY PETITION
	)	SHOULD NOT BE DISMISSED
v.	)	
	)	
DANIEL PARAMO, WARDEN, ET AL.,	)	
	)	
Respondents.	)	
	)	

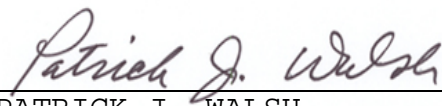
On January 29, 2015, Petitioner signed a Petition for Writ of Habeas Corpus, which was subsequently filed in this Court, challenging a 2012 Board of Parole Hearings decision finding him unsuitable for parole. (Memorandum of Points and Authorities in Support of Petition at 14.) Petitioner claims that the Board's denial violated his due process, equal protection, and confrontation rights as well as the Ex Post Facto Clause, and that he is entitled to a jury trial to determine his suitability for parole. (Petition at 5-6.)

For the following reasons, Petitioner is ordered to show cause why his Petition should not be dismissed because it is time-barred. State prisoners seeking to challenge state administrative decisions in federal habeas corpus proceedings are subject to a one-year statute of limitations. 28 U.S.C. § 2244(d); see *Shelby v. Bartlett*, 391 F.3d

1 1061, 1066 (9th Cir. 2004) (holding § 2244's limitations period  
2 applies to all petitions filed by persons "in custody pursuant to the  
3 judgment of a state court," including those challenging an  
4 administrative decision). Here, the Board's decision denying  
5 Petitioner parole became final on December 26, 2012, 120 days after it  
6 was issued. See Cal. Penal Code § 3041(b); Cal. Code Regs. tit. 15,  
7 § 2043. The federal statute of limitations began to run the day after  
8 the decision became final and expired one year later. See *Redd v.*  
9 *McGrath*, 343 F.3d 1077, 1082 (9th Cir. 2003) (holding federal  
10 limitations period begins to run the day following parole board's  
11 denial of prisoner's administrative appeal). Thus, Petitioner had  
12 until December 27, 2013 to file his federal petition. He did not,  
13 however, file this Petition until January 29, 2015, 13 months after  
14 the deadline.<sup>1</sup>

15 IT IS THEREFORE ORDERED that, no later than **March 25, 2015**,  
16 Petitioner shall inform the Court in writing why this case should not  
17 be dismissed with prejudice because it is barred by the statute of  
18 limitations. Failure to timely file a response will result in a  
19 recommendation that this case be dismissed.

20 DATED: February 23, 2015

21   
22 PATRICK J. WALSH  
23 UNITED STATES MAGISTRATE JUDGE

24 S:\PJW\Cases-State Habeas\SEPULVEDA, A 255\OSC dismiss pet.wpd  
25

26  
27 <sup>1</sup> Pursuant to the "mailbox rule" for prisoner filings, the Court  
28 uses the date Petitioner signed his pleadings (and presumably  
delivered them to prison staff for mailing) as the filing date. See  
*Houston v. Lack*, 487 U.S. 266, 275-76 (1988).